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## POLITICS

# Tennessee parole board must set a timely release hearing under new 'good cause' law, Nashville judge rules



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A Nashville judge has ordered the state parole board to move up parole hearings for defendants eligible under a new, Gov. Bill Lee-backed law.

A recent revision of Tennessee's parole regulations changes the fundamental approach to early release for defendants hoping to get out of jail after serving their time.

"The Act constitutes a sea change in how parole matters are to be handled in Tennessee for eligible inmates," Davidson County Chancellor Anne C. Martin wrote in a ruling in a Nashville man's favor.

Historically, the board — and state law — held “parole is a privilege, not a right” as a watchword.

Under the Re-Entry Success Act of 2021, which took effect in July, eligible defendants have a presumption of parole release unless "good cause" is shown for why they must remain incarcerated.

One man, Jeffrey Wayne Hughes, is eligible for review under the new act with a release date estimated sometime this fall — but his case wasn't set to come up again until next year.

The board of parole resisted moving the hearing date, under an interpretation of the law that they felt let them wait until the next scheduled hearing to reassess his status.

Hughes had previously been scheduled for a new hearing in the summer of 2022, two years after the last time he went before the board, according to the lawsuit. At his July 2020 parole hearing, he was recommended to be released with conditions, although the board denied his petition at the time.

Case 3:22-cv-00238 Document 1-9 Filed 04/05/22 Page 1 of 2 PageID #: 34

Martin filed an order Friday requiring the board to both determine his release eligibility date and set a hearing within 60 days of that date.

In arguments before Martin, the board said they were concerned that this interpretation of the law could overwhelm their system and tax limited resources of the board.

"Respectfully," she wrote, "that is inconsistent with all principles of due process and of the obligation of the State to "follow the laws of the State of Tennessee as well as its own rules, and that inmates are entitled to whatever due process arises as a result of the proper application of state statutes and the rules.""

Hughes' attorney Daniel Horwitz slammed the board's initial approach to setting hearing dates in a statement released Friday.

Horwitz, a Nashville lawyer, has been outspoken about what he sees as a disconnect between Lee's campaign promises on criminal justice reform and the practical rollout of related legislation.

"Laws are not suggestions — even for unqualified patronage appointees and others who draw taxpayer-funded salaries. We look forward to reuniting Mr. Hughes with his family by Christmas," he said.

Hughes was also represented by Lindsay Smith, also with Horwitz Law.

A representative from the Attorney General's office said Tuesday they are considering their options in the case.

A requests for comment sent to the governor's office was not immediately returned.

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